

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Sametha Glen, et. al.)	
)	
Plaintiffs,)	CIVIL ACTION FILE
)	NO. 1:13-cv-03670-WSD
)	
v.)	
)	
Galardi South Enterprises, Inc., et al.))	
)	
Defendants.)	

**DEFENDANTS’ MOTION FOR LEAVE TO FILE UNDER SEAL
INCOME TAX RECORDS OF PLAINTIFFS IN SUPPORT OF
DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

COME NOW DEFENDANTS Galardi South Enterprises, Inc., Galardi South Enterprises Consulting, Inc., Pony Tail, Inc. d/b/a Club Onyx, Trop, Inc. d/b/a Pink Pony Atlanta, Teri Galardi, Dennis Williams and Mike Kapp (“Defendants”), and file this motion for leave to file under seal certain income tax records of the Plaintiffs in support of Defendants’ Motion for Summary Judgment. [Dkt. No. 174].

In discovery, Plaintiffs have produced to Defendants their relevant income tax returns¹, subject to confidential treatment under a Consent

¹ More accurately, on September 22, 2015, this Court ordered Plaintiffs to produced their income tax returns to Defendants’ counsel by October 2, 2015, or to at least certify that copies of their federal income tax returns have been requested from the IRS. To date, Defendants’ counsel has received only a handful of Plaintiffs’ income tax returns, and continues to await the receipt of others. Assuming the Court grants the relief

Protective Order. [Dkt. No. 147]. The Protective Order contemplates the use of confidential material in support of pleadings, or in other proceedings, with the permission of the Court.

In their Motion, Defendants have argued that Plaintiffs should be estopped from contending they are “employees” who are entitled to the benefits of the Fair Labor Standards Act (“FLSA”), when they have previously taken inconsistent positions, under oath, before the Internal Revenue Service (“IRS”), by holding themselves out as “self-employed” entertainers on Schedule Cs filed with their income tax returns. [Dkt No. 174]. In order to evaluate that argument, Defendants would like to present the Court (under seal) with copies of Plaintiffs’ Form 1040’s, including any accompanying “Schedule C’s,” in which the Plaintiffs represent themselves to the IRS as being self-employed entertainers, and benefit from that representation by taking certain business deductions from their earnings which they would not otherwise be entitled to take.

For this reason, Defendants pray that the Court grant Defendants leave to file under seal copies of certain Plaintiffs’ Form 1040s in calendar years they performed at either Club Onyx or Pink Pony.

Dated: This 29th day of October, 2015.

requested in this Motion, Defendants would also like to be able to file other Plaintiffs’ income tax returns under seal as they become available and are produced to Defendants’ counsel.

Respectfully submitted,

/s/ Dean R. Fuchs

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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the within and foregoing **DEFENDANTS' MOTION FOR LEAVE TO FILE PLAINTIFF'S TAX RECORDS UNDER SEAL IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** by using the court's CM/ECF system which will serve all counsel of record as follows:

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This 29th day of October, 2015.

/s/ Dean R. Fuchs
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